

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SANDRA L. NOLDEN
2008 Dennis Lane
Santa Rosa, CA 95403

Registered Nurse License No. 603493

Respondent

Case No. 2006-142

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on August 20, 2006.

IT IS SO ORDERED July 20, 2006.



Vice-President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 CAROL S. ROMEO, State Bar No. 124910
Deputy Attorney General
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6
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 SANDRA L. NOLDEN
2008 Dennis Lane
Santa Rosa, CA 95403

14 Registered Nurse License No. 603493

15 Respondent.

Case No. 2006-142

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Carol
23 S. Romeo, Deputy Attorney General.

24 2. SANDRA L. NOLDEN is representing herself in this proceeding and has
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about August 5, 2002, the Board of Registered Nursing issued
27 Registered Nurse License No. 603493 to SANDRA L. NOLDEN (Respondent). The License
28 was in full force and effect at all times relevant to the charges brought in Accusation No.

1 2006-142 and will expire on June 30, 2006, unless renewed.

2 JURISDICTION

3 4. Accusation No. 2006-142 was filed before the Board of Registered
4 Nursing (Board), and is currently pending against Respondent. The Accusation and all other
5 statutorily required documents were properly served on Respondent on February 24, 2006.
6 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
7 No. 2006-142 is attached as Exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations
10 in Accusation No. 2006-142. Respondent has also carefully read, and understands the effects of
11 this Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
14 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
15 the right to present evidence and to testify on her own behalf; the right to the issuance of
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to
17 reconsideration and court review of an adverse decision; and all other rights accorded by the
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
20 each and every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in
23 Accusation No. 2006-142.

24 9. Respondent agrees that her Registered Nurse License is subject to
25 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
26 Disciplinary Order below.

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10. The parties hereto acknowledge that this Stipulated Settlement constitutes
 agreement to the Board and is not effective until adoption by said agency.

11. The parties hereto stipulate that in the event that this Stipulated Settlement by the Board, nothing herein recited shall be construed as a waiver of respondents' or as an admission of the truth of any of the matters charged in the accusation.

12. The parties understand and agree that facsimile copies of this Stipulated Disciplinary Order, including facsimile signatures thereto, shall have the same effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the disciplinary Order:

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IT IS HEREBY ORDERED that Registered Nurse License No. 603493 issued to ANDRA L. NOLDEN is revoked. However, the revocation is stayed and placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate condition. If any condition of this Order, or any application thereof, is declared invalid in whole, in part, or to any extent, the remainder of this Order, and all other conditions thereof, shall not be affected. Each condition of this Order shall separately be valid to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. Respondent shall file a written account of any and all violations of law shall be reported by Respondent to the Board of Directors within seventy-two (72) hours of occurrence. To permit monitoring of Respondent's compliance with this condition, Respondent shall submit completed fingerprint forms and a written report of the results within 45 days of the effective date of the decision, unless previously submitted in connection with a censure application process.

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1 **Criminal Court Orders:** If Respondent is under criminal court orders, including
2 probation or parole, and the order is violated, this shall be deemed a violation of these probation
3 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

4 2. **Comply with the Board's Probation Program.** Respondent shall fully
5 comply with the conditions of the Probation Program established by the Board and cooperate
6 with representatives of the Board in its monitoring and investigation of the Respondent's
7 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
8 within no more than 15 days of any address change and shall at all times maintain an active,
9 current license status with the Board, including during any period of suspension or tolling of
10 probation pursuant to paragraphs 4 and 5 below.

11 Upon successful completion of probation, Respondent's license shall be fully
12 restored.

13 3. **Report in Person.** Respondent, during the period of probation, shall
14 appear in person at interviews/meetings as directed by the Board or its designated
15 representatives.

16 4. **Comply with the State of Washington, Department of Health, Nursing**
17 **Quality Assurance Commission's Agreed Order on Reinstatement.** Respondent shall fully
18 comply with the conditions of the Agreed Order on Reinstatement established by the State of
19 Washington, Department of Health, Nursing Quality Assurance Commission and shall cooperate
20 with the representatives of the California Board of Registered Nursing in its monitoring and
21 investigation of Respondent's compliance with the Agreed Order on Reinstatement. If
22 Respondent violates the conditions of the Agreed Order on Reinstatement, the California Board,
23 after giving notice and an opportunity to be heard, may set aside the stay order and impose the
24 stayed discipline (revocation) of Respondent's California license.

25 5. **Residency, Practice, or Licensure Outside of State.** Periods of
26 residency or practice as a registered nurse outside of California shall not apply toward a reduction
27 of this probation time period. Respondent's probation is tolled, if and when she resides outside
28 of California. Respondent must provide written notice to the Board within 15 days of any change

1 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
2 returning to practice in this state.

3 Respondent shall provide a list of all states and territories where she has ever been
4 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
5 provide information regarding the status of each license and any changes in such license status
6 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
7 new nursing license during the term of probation.

8 6. **Submit Written Reports.** Respondent, during the period of probation,
9 shall submit or cause to be submitted such written reports/declarations and verification of actions
10 under penalty of perjury, as required by the Board. These reports/declarations shall contain
11 statements relative to Respondent's compliance with all the conditions of the Board's Probation
12 Program. Respondent shall immediately execute all release of information forms as may be
13 required by the Board or its representatives.

14 Respondent shall provide a copy of this Decision to the nursing regulatory agency
15 in every state and territory in which she has a registered nurse license.

16 7. **Function as a Registered Nurse.** Respondent, during the period of
17 probation, shall engage in the practice of registered nursing in California for a minimum of 24
18 hours per week for 6 consecutive months or as determined by the Board.

19 For purposes of compliance with the section, "engage in the practice of registered
20 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
21 work in any non-direct patient care position that requires licensure as a registered nurse.

22 The Board may require that advanced practice nurses engage in advanced practice
23 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
24 Board.

25 If Respondent has not complied with this condition during the probationary term,
26 and Respondent has presented sufficient documentation of her good faith efforts to comply with
27 this condition, and if no other conditions have been violated, the Board, in its discretion, may
28 grant an extension of Respondent's probation period up to one year without further hearing in

1 order to comply with this condition. During the one year extension, all original conditions of
2 probation shall apply.

3 8. **Employment Approval and Reporting Requirements.** Respondent
4 shall obtain prior approval from the Board before commencing or continuing any employment,
5 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
6 performance evaluations and other employment related reports as a registered nurse upon request
7 of the Board.

8 Respondent shall provide a copy of this Decision to her employer and immediate
9 supervisors prior to commencement of any nursing or other health care related employment.

10 In addition to the above, Respondent shall notify the Board in writing within
11 seventy-two (72) hours after she obtains any nursing or other health care related employment.
12 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
13 terminated or separated, regardless of cause, from any nursing, or other health care related
14 employment with a full explanation of the circumstances surrounding the termination or
15 separation.

16 9. **Supervision.** Respondent shall obtain prior approval from the Board
17 regarding Respondent's level of supervision and/or collaboration before commencing or
18 continuing any employment as a registered nurse, or education and training that includes patient
19 care.

20 Respondent shall practice only under the direct supervision of a registered nurse
21 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
22 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
23 are approved.

24 Respondent's level of supervision and/or collaboration may include, but is not
25 limited to the following:

26 (a) Maximum - The individual providing supervision and/or collaboration is
27 present in the patient care area or in any other work setting at all times.

28 (b) Moderate - The individual providing supervision and/or collaboration is in

1 the patient care unit or in any other work setting at least half the hours Respondent works.

2 (c) Minimum - The individual providing supervision and/or collaboration has
3 person-to-person communication with Respondent at least twice during each shift worked.

4 (d) Home Health Care - If Respondent is approved to work in the home health
5 care setting, the individual providing supervision and/or collaboration shall have person-to-
6 person communication with Respondent as required by the Board each work day. Respondent
7 shall maintain telephone or other telecommunication contact with the individual providing
8 supervision and/or collaboration as required by the Board during each work day. The individual
9 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
10 site visits to patients' homes visited by Respondent with or without Respondent present.

11 10. **Employment Limitations.** Respondent shall not work for a nurse's
12 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
13 traveling nurse, or for an in-house nursing pool.

14 Respondent shall not work for a licensed home health agency as a visiting nurse
15 unless the registered nursing supervision and other protections for home visits have been
16 approved by the Board. Respondent shall not work in any other registered nursing occupation
17 where home visits are required.

18 Respondent shall not work in any health care setting as a supervisor of registered
19 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
20 nurses and/or unlicensed assistive personnel on a case-by-case basis.

21 Respondent shall not work as a faculty member in an approved school of nursing
22 or as an instructor in a Board approved continuing education program.

23 Respondent shall work only on a regularly assigned, identified and predetermined
24 worksite(s) and shall not work in a float capacity.

25 If Respondent is working or intends to work in excess of 40 hours per week, the
26 Board may request documentation to determine whether there should be restrictions on the hours
27 of work.

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1 11. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
2 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
3 than six months prior to the end of her probationary term.

4 Respondent shall obtain prior approval from the Board before enrolling in the
5 course(s). Respondent shall submit to the Board the original transcripts or certificates of
6 completion for the above required course(s). The Board shall return the original documents to
7 Respondent after photocopying them for its records.

8 12. **Cost Recovery.** Respondent shall pay to the Board costs associated with
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$1,350.00. Respondent shall be permitted to pay these costs in a payment plan
11 approved by the Board, with payments to be completed no later than three months prior to the
12 end of the probation term.

13 If Respondent has not complied with this condition during the probationary term,
14 and Respondent has presented sufficient documentation of her good faith efforts to comply with
15 this condition, and if no other conditions have been violated, the Board, in its discretion, may
16 grant an extension of Respondent's probation period up to one year without further hearing in
17 order to comply with this condition. During the one year extension, all original conditions of
18 probation will apply.

19 13. **Violation of Probation.** If Respondent violates the conditions of her
20 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
21 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

22 If during the period of probation, an accusation or petition to revoke probation has
23 been filed against Respondent's license or the Attorney General's Office has been requested to
24 prepare an accusation or petition to revoke probation against Respondent's license, the
25 probationary period shall automatically be extended and shall not expire until the accusation or
26 petition has been acted upon by the Board.

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1 14. **License Surrender.** During Respondent's term of probation, if she ceases
2 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
3 probation, Respondent may surrender her license to the Board. The Board reserves the right to
4 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
5 take any other action deemed appropriate and reasonable under the circumstances, without
6 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
7 will no longer be subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and
9 shall become a part of Respondent's license history with the Board. A registered nurse whose
10 license has been surrendered may petition the Board for reinstatement no sooner than the
11 following minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any
13 reason other than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 15. **Physical Examination.** Within 45 days of the effective date of this
16 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
17 physician assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the Respondent's physical condition and capability to perform the duties of a
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
20 medically determined, a recommended treatment program will be instituted and followed by the
21 Respondent with the physician, nurse practitioner, or physician assistant providing written
22 reports to the Board on forms provided by the Board.

23 If Respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed physician, nurse practitioner, or physician assistant making this determination shall
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
27 shall immediately cease practice and shall not resume practice until notified by the Board.
28 During this period of suspension, Respondent shall not engage in any practice for which a license

1 issued by the Board is required until the Board has notified Respondent that a medical
2 determination permits Respondent to resume practice. This period of suspension will not apply
3 to the reduction of this probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
6 practice until notified by the Board. This period of suspension will not apply to the reduction of
7 this probationary time period. The Board may waive or postpone this suspension only if
8 significant, documented evidence of mitigation is provided. Such evidence must establish good
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
10 provided. Only one such waiver or extension may be permitted.

11 **16. Participate in Treatment/Rehabilitation Program for Chemical**
12 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
13 period or shall have successfully completed prior to commencement of probation a Board-
14 approved treatment/rehabilitation program of at least six months duration. As required, reports
15 shall be submitted by the program on forms provided by the Board. If Respondent has not
16 completed a Board-approved treatment/rehabilitation program prior to commencement of
17 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
18 a program. If a program is not successfully completed within the first nine months of probation,
19 the Board shall consider Respondent in violation of probation.

20 Based on Board recommendation, each week Respondent shall be required to
21 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
22 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
23 by the Board. If a nurse support group is not available, an additional 12-step meeting or
24 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
25 such attendance to the Board during the entire period of probation. Respondent shall continue
26 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
27 mental health examiner and/or other ongoing recovery groups.

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1 17. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
2 shall completely abstain from the possession, injection or consumption by any route of all
3 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
4 the same are ordered by a health care professional legally authorized to do so as part of
5 documented medical treatment. Respondent shall have sent to the Board, in writing and within
6 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
7 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
8 medication will no longer be required, and the effect on the recovery plan, if appropriate.

9 Respondent shall identify for the Board a single physician, nurse practitioner or
10 physician assistant who shall be aware of Respondent's history of substance abuse and will
11 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
12 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
13 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
14 condition. If any substances considered addictive have been prescribed, the report shall identify a
15 program for the time limited use of any such substances.

16 The Board may require the single coordinating physician, nurse practitioner, or
17 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
18 addictive medicine.

19 18. **Submit to Tests and Samples.** Respondent, at her expense, shall
20 participate in a random, biological fluid testing or a drug screening program which the Board
21 approves. The length of time and frequency will be subject to approval by the Board.
22 Respondent is responsible for keeping the Board informed of Respondent's current telephone
23 number at all times. Respondent shall also ensure that messages may be left at the telephone
24 number when she is not available and ensure that reports are submitted directly by the testing
25 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
26 to the Board by the program and Respondent shall be considered in violation of probation.

27 In addition, Respondent, at any time during the period of probation, shall fully
28 cooperate with the Board or any of its representatives, and shall, when requested, submit to such

1 tests and samples as the Board or its representatives may require for the detection of alcohol,
2 narcotics, hypnotics, dangerous drugs, or other controlled substances.

3 If Respondent has a positive drug screen for any substance not legally authorized
4 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
5 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
6 from practice pending the final decision on the petition to revoke probation or the accusation.
7 This period of suspension will not apply to the reduction of this probationary time period.

8 If Respondent fails to participate in a random, biological fluid testing or drug
9 screening program within the specified time frame, Respondent shall immediately cease practice
10 and shall not resume practice until notified by the Board. After taking into account documented
11 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
12 Board may suspend Respondent from practice pending the final decision on the petition to
13 revoke probation or the accusation. This period of suspension will not apply to the reduction of
14 this probationary time period.

15 19. **Mental Health Examination.** Respondent shall, within 45 days of the
16 effective date of this Decision, have a mental health examination including psychological testing
17 as appropriate to determine her capability to perform the duties of a registered nurse. The
18 examination will be performed by a psychiatrist, psychologist or other licensed mental health
19 practitioner approved by the Board. The examining mental health practitioner will submit a
20 written report of that assessment and recommendations to the Board. All costs are the
21 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
22 result of the mental health examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed mental health care practitioner making this determination shall immediately notify
25 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

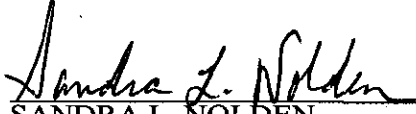
4 If Respondent fails to have the above assessment submitted to the Board within
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
6 practice until notified by the Board. This period of suspension will not apply to the reduction of
7 this probationary time period. The Board may waive or postpone this suspension only if
8 significant, documented evidence of mitigation is provided. Such evidence must establish good
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
10 provided. Only one such waiver or extension may be permitted.

11 20. **Therapy or Counseling Program.** Respondent, at her expense, shall
12 participate in an on-going counseling program until such time as the Board releases her from this
13 requirement and only upon the recommendation of the counselor. Written progress reports from
14 the counselor will be required at various intervals.

15 ACCEPTANCE

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I
17 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
18 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
19 and agree to be bound by the Decision and Order of the Board.

20 DATED: May 9, 2006

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23 SANDRA L. NOLDEN
24 Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board.

DATED: 5/11/06.

BILL LOCKYER, Attorney General
of the State of California

Carol S. Romeo

CAROL S. ROMEO
Deputy Attorney General

Attorneys for Complainant

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Exhibit A
Accusation No. 2006-142

1 BILL LOCKYER, Attorney General
of the State of California
2 CAROL S. ROMEO, State Bar No. 124910
Deputy Attorney General
3 California Department of Justice
1515 Clay Street, 20th Floor
4 P.O. Box 70550
Oakland, CA 94612-0550
5 Telephone: (510) 622-2141
Facsimile: (510) 622-2270

6 Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2006-142

12 **SANDRA L. NOLDEN**
2008 Dennis Lane
13 Santa Rosa, CA 95403

A C C U S A T I O N

14 Registered Nurse License No. 603493

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing.

21 2. On or about August 5, 2002, the Board of Registered Nursing issued
22 Registered Nurse License Number 603493 to SANDRA L. NOLDEN (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on June 30, 2006, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing
27 (Board), under the authority of the following laws. All section references are to the Business and
28 Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part, that "[t]he board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by Another State Health Care Professional Licensing Board)

8. Respondent is subject to discipline under Code section 2761(a)(4) in that her Washington State Registered Nurse License No. RN00147071 was suspended indefinitely by the Washington State Nursing Care Quality Assurance Commission based on Respondent's

1 engaging in unprofessional conduct in violation of RCW 18.130.180, including, but not limited
2 to, violating the following subsections of RCW 18.130.180:

3 (6) The possession, use, prescription for use, or distribution of controlled
4 substances or legend drugs in any way other than for the legitimate or therapeutic purposes,
5 diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing
6 controlled substances for oneself;

7 ...
8 (7) Violation of any state or federal statute or administrative rule regulating the
9 profession in question, including any statute or rule defining or establishing standards of patient
10 care or professional conduct or practice;

11 **SECOND CAUSE FOR DISCIPLINE**

12 (General Unprofessional Conduct)

13 9. Complainant realleges the allegations set forth in paragraph 8 above,
14 which are herein incorporated by reference as though fully set forth.

15 10. The conduct as alleged in paragraph 8 above, constitutes general
16 unprofessional conduct, and provides grounds for discipline, under the non-inclusive provisions
17 of Code section 2761(a).

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Board issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 603493, issued
22 to SANDRA L. NOLDEN;

23 2. Ordering SANDRA L. NOLDEN to pay the Board of Registered Nursing
24 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 2/9/06


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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CSR: 1/05/06